

PATENT
Atty. Dkt. No. SEDN/246CIP1
Page 2 of 6

REMARKS

This response is intended as a full and complete response to the Final Office Action mailed June 20, 2005.

Claims 1-18 and 20-23 are pending. In view of following discussion, Applicants believe the claims in the application are allowable.

The Office Action rejected claims 1-15 and 18-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,401,242 to Eyer et al. ("Eyer242") in view of U.S. Patent No. 6,463,585 to Hendricks et al. ("Hendricks") and further in view of U.S. Patent No. 5,515,106 to Chaney et al. ("Chaney"). The Office Action also cited to U.S. Patent No. 5,801,753 to Eyer et al. ("Eyer753") and erroneously stated that it was incorporated by reference in Eyer242. As a result, the rejection is actually over the combination Eyer242/Hendricks/Chaney/Eyer753.

To establish a *prima facie* case of obviousness, the combination of references must teach or suggest all the claim elements as arranged in the claim. The combination of Eyer242/Hendricks/Chaney/Eyer753 fails to teach or suggest all of the claim elements as arranged in claims 1-15 and 18-23. For example, the combination of Eyer242/Hendricks/Chaney/Eyer753 fails to teach or suggest the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units.

Claim 1 recites, inter alia, "A system for providing interactive program guide (IPG), the system comprising: a plurality of encoding units ... at least one transport stream generator operatively coupled to the plurality of encoding units ...; and a session manager coupled to the at least one transport stream generator".

Eyer242 fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. Eyer242 is generally directed to a method and apparatus for designating a preferred source to avoid duplicate programming services. The Office Action erroneously states that the claimed encoding units are met by Eyer242's MPEG-2 encoders 1-N 220, 230, the claimed transport stream generator is met by Eyer242's MUX/MOD 250, and that the claimed session manager is met by Eyer242's IPG Translator (IPGT) 220 and

386380-1

Subscriber Authorization Center (SAC) 240. The problem is that neither IPGT 220 nor SAC 240 are coupled to MUX/MOD 250. Those elements are shown in Figure 2 and described in col. 7, line 66 to col. 8, line 32. Figure 2 shows only the lines from the MPEG-2 encoders 1-N 220, 230 to MUX/MOD 250. Figure 2 does not show any lines from IPGT 220 or SAC 240 to MUX/MOD 250.

Hendricks, Chaney and Eyer752 each fail to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. In Hendricks, Figures 7 and 21a fail to show the claimed session manager coupled to any transport stream generator. Figure 7 of Hendricks shows processing 496 with a line to scheduler 497, which has a line to multiplex 498, which has a line to transmission 499. Figure 21a of Hendricks shows a MUX 248 with only a line to local insert 246 and MOD 250. In Chaney, Figure 2 shows a transmit element that fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. Figure 1 of Eyer752 shows elements for generating an IPG stream that fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units.

Therefore, claim 1 is patentable over the combination of Eyer242/Hendricks/Chaney/Eyer753.

Claims 2-14 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements. Therefore, claims 2-14 are also patentable over the combination of Eyer242/Hendricks/Chaney/Eyer753 under §103.

Claim 18 recites, inter alia, "A system for providing interactive program guide (IPG), the system comprising: at least one transport stream generator, each transport stream generator including at least one encoder unit ...; a session manager coupled to the at least one transport stream generator". For the same reasons given above with respect to claim 1, claim 18 is patentable over the combination of Eyer242/Hendricks/Chaney/Eyer753 under §103.

PATENT
Atty. Dkt. No. SEDN/246CIP1
Page 4 of 6

Claim 19 depends from claim 18 and, thus, inherits the patentable subject matter of claim 18, while adding additional elements. Therefore, claim 19 is also patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

Claim 20 recites, inter alia, "A method for providing interactive program guide (IPG) from a transmission source to a plurality of terminals, the method comprising: ... comparing the demands from the plurality of terminals against the current capacity; and dynamically adjusting the number of transport streams to be transmitted to the plurality of terminals based on a result of the comparing". In other words, the number of transport streams transmitted from the transmission source to the terminals is dynamically adjusted in claim 20. By contrast, Eyer242 discloses a subscriber terminal, such as a set top box or integrated receiver-decoder (IRD). (Eyer242, col. 1, lines 40-41). Channel map data is delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. (Eyer242, abstract). If, in fact, Eyer242 disclosed the claimed dynamic adjusting of the transport streams to be transmitted to the terminals, there would be no need for the filtering of bundles performed at the IRD (terminal) of Eyer242, which is the intended purpose of Eyer242. Eyer242 fails to disclose the claimed transport streams being dynamically adjusted before being transmitted to the terminals. Hendricks, Chaney and Eyer752 each also fail to disclose these elements of claim 20. Therefore, claim 20 is patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

Claims 21-23 depend, directly or indirectly, from claim 20 and, thus, inherit the patentable subject matter of claim 20, while adding additional elements. Therefore, claims 21-23 are also patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

The Office Action rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Eyer242 in view of Hendricks and further in view of Chaney, as applied to claim 1 above, and further in view of U.S. Patent No. 5,867,208 to McLaren ("McLaren").

Claims 16 and 17 depend from claim 1 and, thus, inherit the patentable subject matter of claim 1. For the reasons given above with respect to claim 1, claims 16 and

PATENT
Atty. Dkt. No. SEDN/246CIP1
Page 5 of 6

17 are also patentable over the combination of Eyer242/Hendricks/ Chaney.
Furthermore, McLaren fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. Therefore, claims 16 and 17 are also patentable over the combination of Eyer242/Hendricks/Chaney/McLaren.

386380-1

PATENT
Atty. Dkt. No. SEDN/246CIP1
Page 6 of 6


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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386380-1